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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,021	09/05/2003	Makarand P. Gore	200312226-1	8140

7590 09/28/2004  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/656,021

Applicant(s)

GORE, MAKARAND P.

Examiner

Hoa V. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 6-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is in response to Papers filed on 10 September 2004.

I. For the elected claims 1-5 only, the disclosure in the claims shows that applicant and his counsel could not be ably comprehended and properly used, applied and claimed a proper language

(1) between "compound" and ---composition---. An exact "compound" as disclosed will be considered and searched only. It is now once again notified for the record.

Applicant elects the invention of Group I, claims 1-5 with traverse being acknowledged,

(2) "precursor" is not positive or exact in a practice before the Office (It is not considered or searched) and

(2) "derivative" is not positive or exact in a practice before the Office (It is not considered or searched).

II. The election of species of color former being "2'-anilino-3'methyl-6'-(dibutylamino) fluoran" alone is improper and incomplete because no chemical structure is disclosed for an exact computer structure search as clearly pointed out and set forth on the record. However, it is acceptable and is searched in the exact language as disclosed. Applicant is requested and required to specified that the elected compound is either (1) soluble or (2) uniformly distributed. No further examination will be made until the request and requirement are met.

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III.1. The elected claims 1-5 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of matrixes as broadly disclosed in the art.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of matrixes for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is now once again notified for the record.

2. The elected claims 1-5 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of antennas, their precursors and derivatives as broadly disclosed in the art. Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of antennas and their precursor and derivatives for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is set forth and notified for the record. The elected compound "silicon 2,3.." is acceptable is searched in the exact language as disclosed.

\*\*\*Applicant is further requested and required to identified the elected chemical structure antenna is either (1) infrared radiation or (2) laser radiation absorption. No further examination will be made until the request and requirement are met. It is set forth and notified for the record.

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Applicant fails to specify "(1)" or "(2)" on the record. No consideration or search is made or will be made. It is now once again notified for the record.

3. Claims 1-19 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of soluble activators as broadly disclosed in the art.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of activators for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is once again notified for the record.

4. The elected claims 1-5 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of uniformly distributed activator as broadly disclosed in the art. Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of antennas for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is now once again notified for the record.

5. The elected claims 1-5 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of soluble color formers as broadly disclosed in

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the art. Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of other color formers for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is now once again notified for the record.

6. The elected claims 1-5 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical ingredients of uniformly distributed color former as broadly disclosed in the art. Applicant is required under 35 U.S.C. 121 to elect a single disclosed chemical ingredient species of other activators for an initiation of a search, even though this requirement is traversed. Applicant is requested and required to show or provide the exact chemical structure of the elected chemical ingredient species by showing all bonding connections between and among chemical elements and positions of all chemical elements in the structure for an exact consideration and search. No further examination will be made until the request and requirement are met. It is now once again notified for the record.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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IV. Applicant is advised that the reply to this requirement to be complete must include an election as set forth on the record to be examined even though the requirement be traversed (37 CFR 1.143).

V. Other issues have not been considered until a proper election is made and resolved all of the requirements as clearly pointed out and set forth above. It is now once again notified for the record.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:00 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306,

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hoa V. Le  
Primary Examiner  
Art Unit 1752

HVL  
27 August 2004

HOA VAN LE  
PRIMARY EXAMINER  
